

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA

v.

ZACHARY CUSHMAN

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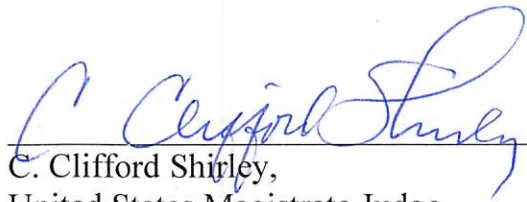
Case No. 3:19-CR-209

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on February 12, 2020. At the hearing defendant moved to withdraw his not guilty plea to the charges of the Indictment and entered a plea of guilty to the charge in Count One, that is of possession of a firearm and ammunition after being convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). Defendant also entered a plea of guilty to the charge in Count Two of the Indictment, charging him with possession of an unregistered destructive device, in violation of 26 U.S.C. §§ 5841, 5861(d) and 5871. On the basis of the record made at the hearing, I find the defendant is fully capable and competent to enter an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by defendant; the plea is made voluntarily and free from any force, threats, or promises; the defendant understands the nature of the charges and penalties provided by law; and the plea has a sufficient basis in fact.

Therefore, I **RECOMMEND** defendant's motion to withdraw his not guilty plea to the charges of the Indictment be granted; his plea of guilty to the charge in in Count One, that is, of possession of a firearm and ammunition after being convicted of a felony, in

violation of 18 U.S.C. § 922(g)(1); and his plea of guilty to the charge in Count 2 of the Indictment, charging him with possession of an unregistered destructive device, in violation of 26 U.S.C. §§ 5841, 5861(d) and 5871, be accepted; and the Court adjudicate defendant guilty of the charges in Counts 1 and 2 of the indictment. I further **RECOMMEND** defendant remain in custody until sentencing in this matter. Acceptance of the plea, adjudication of guilt, and imposition of sentence are specifically reserved for the district judge.


C. Clifford Shirley,
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than fourteen (14) days after the plea hearing. Failure to file objections within fourteen (14) days constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. § 636(b).